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LB 1004

PRESIDENT MAURSTAD: Senator Chambers.

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, if you look at the green copy of this bill you'll see that it is chaotic, all but unintelligible. And I found a great deal of problem with the way the bill was written, although I was in agreement with some of what it attempts to do. So one weekend I took the bill home with me and I began to rewrite it. At first, I was simply going to add a word here, delete a word there, and it made it far worse. So what my amendment would do, and it was done in conjunction with Senator Don Pederson, because he wanted to add a crucial word, substitute the word "conviction" for "an offense committed", and I will get into that as we discuss it. But this amendment is designed to set out the four categories where offenses will occur that can be used to enhance a punishment, and I will tell you in three steps the way I intend to discuss this amendment. The first is to mention the four areas from which offenses will spring that can be used. The second will be to tell you every place in the bill, and this will be for the record, that this change occurs, because it's like boilerplate language, meaning it's going to be virtually the same wherever it occurs in the bill. Then I will explain in more detail each one of these sections that I think is necessary to make clear what the bill does. My rewriting the bill was for the purpose of making the language manageable, not because I agree with everything in the bill. But here we go. Obviously, an offense committed under a Nebraska statute is usable. An offense committed under an ordinance in Nebraska enacted pursuant to the statute is usable. Then it gets hairy. An offense committed in another state under a state statute is usable if...if at the time that offense was committed and a conviction occurred it would have been an offense under the law of Nebraska as it existed at that time. It could be used. The same would be the case with an ordinance enacted in another state pursuant to that state's statute, and that's one of the things I really disagree with. But here are the places where the amendatory language can be found, at least the page numbers and the sections. It will appear the first time in Section 1, subsection (2), subdivision (a). That would be found on pages 1 through 2, and it would relate to a conviction that occurred against an individual who had no